

ESTTA Tracking number: **ESTTA614703**

Filing date: **07/09/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Monster Energy Company
Granted to Date of previous extension	07/09/2014
Address	1 Monster Way Corona, CA 92879 UNITED STATES
Attorney information	Diane M. Reed Knobbe, Martens, Olson & Bear LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@knobbe.com, francie.leonguerrero@knobbe.com Phone:949-760-0404

Applicant Information

Application No	85920112	Publication date	03/11/2014
Opposition Filing Date	07/09/2014	Opposition Period Ends	07/09/2014
Applicant	Three Notch'd Brewing Company, LLC 946 Grady Ave Suite 9 Charlottesville, VA 22903 UNITED STATES		

Goods/Services Affected by Opposition


Class 032. First Use: 2013/08/29 First Use In Commerce: 2013/08/29
All goods and services in the class are opposed, namely: Beer


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)


Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2903214	Application Date	05/07/2003
Registration Date	11/16/2004	Foreign Priority Date	NONE
Word Mark	M		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2002/03/27 First Use In Commerce: 2002/04/18 Drinks, namely, carbonated soft drinks, carbonated drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, carbonated and non-carbonated energy or sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, [and water;]*but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not.*

U.S. Registration No.	3434821	Application Date	09/07/2007
Registration Date	05/27/2008	Foreign Priority Date	NONE
Word Mark	M		
Design Mark			
Description of Mark	The mark consists of the letter "m" in the form of a claw.		
Goods/Services	Class 005. First use: First Use: 2002/03/27 First Use In Commerce: 2002/04/18 Nutritional supplements		

U.S. Registration No.	3434822	Application Date	09/07/2007
Registration Date	05/27/2008	Foreign Priority Date	NONE
Word Mark	M		

Design Mark	
Description of Mark	The mark consists of the letter "m" in the form of a claw.
Goods/Services	Class 032. First use: First Use: 2002/03/27 First Use In Commerce: 2002/04/18 Non-alcoholic beverages, namely, energydrinks, excluding perishable beverage products that contain fruit juice or soy

U.S. Registration No.	3134841	Application Date	05/07/2003
Registration Date	08/29/2006	Foreign Priority Date	NONE
Word Mark	M MONSTER ENERGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2002/03/27 First Use In Commerce: 2002/04/18 Beverages, namely, carbonated soft drinks, carbonated soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, carbonated [and non-carbonated] energy and sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, [and aerated water, soda water and seltzer water,] but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not		

Attachments	78246564#TMSN.gif(bytes) 77274643#TMSN.jpeg(bytes) 77274662#TMSN.jpeg(bytes) 78246567#TMSN.gif(bytes) 2014-07-08-NTC OF OPP-85920112-HANBEV.2514M.pdf(288704 bytes) 2014-07-08-EXHIBIT 1 REG. NO. 2903214-HANBEV.2514M.PDF(779122 bytes) 2014-07-08-EXHIBIT 2 REG. NO. 3434821-HANBEV.2514M.PDF(777735 bytes)
-------------	--

	2014-07-08-EXHIBIT 3 REG. NO. 3434822-HANBEV.2514M.PDF(879038 bytes) 2014-07-08-EXHIBIT 4 REG NO 3,134,841-HANBEV.2514M.PDF(777521 bytes)
--	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Diane M. Reed/
Name	Diane M. Reed
Date	07/09/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MONSTER ENERGY COMPANY,

Opposer,

v.

THREE NOTCH'D BREWING COMPANY, LLC,

Applicant.

) Opposition No.: _____

) Serial No.: 85/920112

)  **Three Notch'd**
BREWING COMPANY
Mark: _____ *Charlottesville, Va*

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Monster Energy Company, a Delaware corporation, located and doing business at 1 Monster Way, Corona, California 92879, ("Opposer") believes that it will be damaged by the registration of U.S. Trademark Application Serial No. 85/920112 ("Application") for the mark




owned by Three Notch'd Brewing Company, LLC, ("Applicant") and therefore oppose the same.


As grounds for opposition, it is alleged:


1. By the Application filed on May 1, 2013, Applicant seeks to obtain registration on


the Principal Register of the trademark  **Three Notch'd**
BREWING COMPANY
Charlottesville, Va for "beer" in International


Class 32.

2. Since at least 2002, long before the filing date of the Application, Opposer has been, and still is, engaged in the development, licensing, marketing, and sale of energy supplement drinks, clothing, stickers, bags, helmets, and accessories bearing Opposer's  ("Claw Icon"), and related marks.

3. Opposer owns and relies on incontestable U.S. Trademark Registration 2,903,214 for the mark  for "Drinks, namely, carbonated soft drinks, carbonated drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, carbonated and non-carbonated energy or sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not" in International Class 32, which registration issued November 11, 2004 and is based on an application filed in the United States Patent and Trademark Office ("PTO") on May 7, 2003. The filing date of Opposer's '214 Registration is prior to the filing date of Applicant's Application. True and correct copies of the specifics of the '214 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 1 and made of record.

4. Opposer owns and relies on incontestable U.S. Trademark Registration 3,434,821 for the mark  for "Nutritional supplements" in International Class 5, which registration issued May 27, 2008 and is based on an application filed in the PTO on September 7, 2007. The filing date of Opposer's '821 Registration is prior to the filing date of Applicant's Application. True and correct copies of the specifics of the '821 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 2 and made of record.

5. Opposer owns and relies on incontestable U.S. Trademark Registration 3,434,822 for the mark  for "Non-alcoholic beverages, namely, energy drinks, excluding perishable beverage products that contain fruit juice or soy" in International Class 32, which registration issued May 27, 2008 and is based on an application filed in the PTO on September 7, 2007. The filing date of Opposer's '822 Registration is prior to the filing date of Applicant's Application. True and correct copies of the specifics of the '822 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 3 and made of record.

6. Opposer owns and relies on incontestable U.S. Trademark Registration 3,134,841 for the mark  for "Beverages, namely, carbonated soft drinks, carbonated soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, carbonated energy and sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not" in International Class 32 which registration issued August 29, 2006 and is based on an application filed in the PTO on May 7, 2003. The filing date of Opposer's '841 Registration is prior to the filing date of the Applicant's Application. True and correct copies of the specifics of the '841 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 4 and made of record.

7. Opposer's Registrations Nos. 2,903,214, 3,434,821, 3,434,822, and 3,134,841 are valid, subsisting, unrevoked, and uncanceled; as such they constitute *prima facie* evidence of the validity of the registered marks and of the registrations thereof, and of Opposer's ownership of the marks shown therein. Opposer's registrations also constitute notice to Applicant of Opposer's claim of ownership of the marks shown therein as provided in Sections 7(b), 22, and 33(a) of the

Trademark Act.

8. Opposer's registrations as specified in Paragraphs 3, 4, 5, and 6 above are incontestable. As such, they constitute conclusive evidence of the validity of the registered marks and of the registration of the marks, of Opposer's ownership of its marks, and of Opposer's exclusive right to use the registered marks in commerce as provided in Section 33 of the Lanham Act, 15 U.S.C. § 1115.

9. Since at least before the filing date of the Application, Opposer has continuously used and promoted the Claw Icon Marks shown in Registration Nos. 2,903,214, 3,434,821, 3,434,822, and 3,134,841 (the "Claw Icon Marks") in interstate commerce in connection with its goods.

10. By virtue of Opposer's continuous and substantial use, the Claw Icon Marks have become identifiers of Opposer and its goods, and distinguish Opposer's goods from the goods of others. As a result, Opposer has built up, at great expense and effort, valuable goodwill in the Claw Icon Marks. Opposer has developed a significant amount of goodwill through the use and promotion of its Claw Icon Marks, such that consumers have come to recognize a family of Claw Icon marks with which Opposer markets and sells its goods.

11. In addition to the protection afforded Opposer by its federal trademark registrations, Opposer has extensive common law rights in its Claw Icon marks throughout the United States, having sold billions of dollars worth of goods under Opposer's Claw Icon Marks. Opposer's common law rights in its Claw Icon marks predate the dates of first use claimed by Applicant in its Application.

12. Opposer has used and continues to use its Claw Icon Marks extensively in connection with energy supplement drinks, clothing, accessories, stickers, decals, bags, helmets,

and sports gear since well before the filing date of the Application.

13. Opposer's Claw Icon Marks have become famous for Opposer's goods since well before the filing date of the Application. Opposer's famous Claw Icon Marks are global brands that have appeared on billions of beverage cans, on clothing, accessories, sports gear, and in extensive nationwide promotions. These nationwide promotions include, among other things, sponsorship of music festivals, athletes, and sports events that are televised live nationwide and internationally and prominently feature Opposer's Claw Icon Marks.

14. The Application was filed on May 1, 2013, and is based on Applicant's use of the mark in commerce on August 29, 2013. Opposer's use of its MONSTER Marks predates Applicant's use of its mark.

15. Applicant seeks an unrestricted federal registration for



covering the goods listed in the Application. As such, if a



registration issues for Application, such registration will constitute prima facie evidence of the Applicant's exclusive right to use the registered mark in commerce on or in connection with these goods throughout the United States with no limitation thereon.



16. Opposer will be damaged by registration of the



Application in that the claw mark included in Applicant's mark so resembles Opposer's Claw Icon Marks registered in the United States Patent and Trademark Office, and in which Opposer owns common law trademark rights, as to be likely, when used on or



in connection with the goods as they are identified in the application, as to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

17. In view of Opposer's prior rights in its Claw Icon marks, Applicant is not entitled to



federal registration of the mark pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d). Opposer will be damaged by registration of the Application in



that the mark will dilute the distinctive qualities of Opposer's Claw Icon Marks within the meaning of Section 43(c) of the Trademark Act, 15 U.S.C. 1125(c), and will lessen the ability of Opposer's Claw Icon Marks to distinguish Opposer's goods.

18. In view of Opposer's prior rights in its Claw Icon Marks, Applicant is not entitled to



federal registration of the mark pursuant to Section 43(c) of the Trademark Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposer prays that U.S. Trademark Application Serial No. 85/920112 be rejected and stricken, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Please charge Deposit Account No. 11-1410 to cover the opposition fee and any additional fees which may be required, or credit any overpayment to this account.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

7/9/14

By: _____



Steven J. Nataupsky

Diane M. Reed

2040 Main Street, Fourteenth Floor

Irvine, CA 92614

(949) 760-0404

efiling@knobbe.com

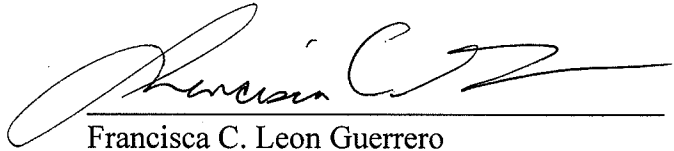
Attorneys for Opposer,

MONSTER ENERGY COMPANY

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **NOTICE OF OPPOSITION** upon Applicant's correspondent by depositing one copy thereof in the United States Mail, first-class postage prepaid, on July 9, 2014, addressed as follows:

Thomas F. Bergert
Williams Mullen
321 E. Main Street, Suite 400
Charlottesville, VA 22902



Francisca C. Leon Guerrero

17952089/flg/050714

TTAB Opposition No. _____
Monster Energy Company v. Three Notch'd Brewing Company, LLC

EXHIBIT 1



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Jul 8 03:10:50 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browser Dict](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

[Logout](#)

Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TSDR](#) [ASSIGNMENTS](#) [FIDELITY](#) (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark M

Goods and Services IC 032. US 045 046 048. G & S: Drinks, namely, carbonated soft drinks, carbonated drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, carbonated and non-carbonated energy or sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, [and water;]*but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not.*. FIRST USE: 20020327. FIRST USE IN COMMERCE: 20020418

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 78246564

Filing Date May 7, 2003

Current Basis 1A

Original Filing Basis 1A

Published for Opposition August 24, 2004

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 2903214

Registration Date November 16, 2004

Owner (REGISTRANT) Hansen Beverage Company CORPORATION DELAWARE 550 Monica Circle Suite 201 Corona CALIFORNIA 92880

(LAST LISTED OWNER) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Diane M. Reed
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20131223.
Renewal 1ST RENEWAL 20131223
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



[Assignments on the Web](#) > [Trademark Query](#)

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78246564](#)

Filing Dt: 05/07/2003

Reg #: [2903214](#)

Reg. Dt: 11/16/2004

Registrant: Hansen Beverage Company

Mark: M

Assignment: 1

Reel/Frame: [4699/0063](#)

Recorded: 01/13/2012

Pages: 10

Conveyance: CHANGE OF NAME

Assignor: [HANSEN BEVERAGE COMPANY](#)

Exec Dt: 01/05/2012

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [MONSTER ENERGY COMPANY](#)

550 MONICA CIRCLE, SUITE 201
CORONA, CALIFORNIA 92880

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: DIANE M. REED
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

Search Results as of: 07/09/2014 12:19 AM
If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.4
Web interface last modified: Mar 15, 2014 v.2.4

[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

Int. CL: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 2,903,214

United States Patent and Trademark Office

Registered Nov. 16, 2004

Corrected

OG Date Dec. 18, 2007

TRADEMARK
PRINCIPAL REGISTER



HANSEN BEVERAGE COMPANY (DELA-
WARE CORPORATION)
550 MONICA CIRCLE
SUITE 201
CORONA, CA 92880

FOR: DRINKS, NAMELY, CARBO-
NATED SOFT DRINKS, CARBONATED
DRINKS ENHANCED WITH VITAMINS,
MINERALS, NUTRIENTS, AMINO ACIDS
AND/OR HERBS, CARBONATED AND
NON-CARBONATED ENERGY OR

SPORTS DRINKS, FRUIT JUICE DRINKS
HAVING A JUICE CONTENT OF 50% OR
LESS BY VOLUME THAT ARE SHELF
STABLE, AND WATER;*BUT EXCLUD-
ING PERISHABLE BEVERAGE PRO-
DUCTS THAT CONTAIN FRUIT JUICE
OR SOY, WHETHER SUCH PRODUCTS
ARE PASTEURIZED OR NOT*, IN
CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-27-2002; IN COMMERCE
4-18-2002.

SER. NO. 78-246,564, FILED 5-7-2003.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Dec. 18, 2007.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

TTAB Opposition No. _____
Monster Energy Company v. Three Notch'd Brewing Company, LLC

EXHIBIT 2



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Jul 8 03:10:50 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TSDR](#) [ASSIGNMENTS](#) [FILED MARKS](#) (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	M
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Nutritional supplements. FIRST USE: 20020327. FIRST USE IN COMMERCE: 20020418
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.17.03 - Claws; Feet, bird; Parts of birds: claws, talons, feet, foot tracks; Talons; Tracks, bird
Trademark Search Facility Classification Code	LETS-1 M A single letter, multiples of a single letter or in combination with a design SHAPES-MISC Miscellaneous shaped designs
Serial Number	77274643
Filing Date	September 7, 2007
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 11, 2008
Registration Number	3434821
Registration Date	May 27, 2008
Owner	(REGISTRANT) Hansen Beverage Company CORPORATION DELAWARE 550 Monica Circle Suite 201 Corona CALIFORNIA 92880 (LAST LISTED OWNER) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1

	Monster Way Corona CALIFORNIA 92879
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Diane M. Reed
Prior Registrations	2903214;3134841
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the letter "m" in the form of a claw.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DATA](#) [SEARCH OG](#) [TOP](#) [HELP](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



[Assignments on the Web](#) > [Trademark Query](#)

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [77274643](#)

Filing Dt: 09/07/2007

Reg #: [3434821](#)

Reg. Dt: 05/27/2008

Registrant: Hansen Beverage Company

Mark: M

Assignment: 1

Reel/Frame: [4699/0063](#)

Recorded: 01/13/2012

Pages: 10

Conveyance: CHANGE OF NAME

Assignor: [HANSEN BEVERAGE COMPANY](#)

Exec Dt: 01/05/2012

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [MONSTER ENERGY COMPANY](#)

550 MONICA CIRCLE, SUITE 201
CORONA, CALIFORNIA 92880

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: DIANE M. REED
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

Search Results as of: 07/09/2014 12:22 AM
If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.4
Web interface last modified: Mar 15, 2014 v.2.4

[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

Int. Cl.: 5

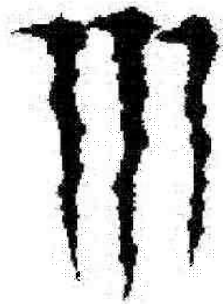
Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 3,434,821

United States Patent and Trademark Office

Registered May 27, 2008

**TRADEMARK
PRINCIPAL REGISTER**



HANSEN BEVERAGE COMPANY (DELAWARE
CORPORATION)
550 MONICA CIRCLE
SUITE 201
CORONA, CA 92880

OWNER OF U.S. REG. NOS. 2,903,214 AND
3,134,841.

THE MARK CONSISTS OF THE LETTER "M" IN
THE FORM OF A CLAW.

FOR: NUTRITIONAL SUPPLEMENTS, IN CLASS
5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).


SER. NO. 77-274,643, FILED 9-7-2007.

FIRST USE 3-27-2002; IN COMMERCE 4-18-2002.

MICHAEL WIENER, EXAMINING ATTORNEY

TTAB Opposition No. _____
Monster Energy Company v. Three Notch'd Brewing Company, LLC

EXHIBIT 3

**United States Patent and Trademark Office**
[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Jul 8 03:10:50 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browser Dict](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TSDR](#) [ASSIGNMENTS](#) [TTABSTATUS](#) (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	M
Goods and Services	IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, energy drinks, excluding perishable beverage products that contain fruit juice or soy. FIRST USE: 20020327. FIRST USE IN COMMERCE: 20020418
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.17.03 - Claws; Feet, bird; Parts of birds: claws, talons, feet, foot tracks; Talons; Tracks, bird
Trademark Search Facility Classification Code	ANI-MISC Part of the animals including animal bones,horns,claws,shells,eyes,coral,paws,eggs, feathers,hides or skins
Serial Number	77274662
Filing Date	September 7, 2007
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 11, 2008
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	3434822
Registration Date	May 27, 2008
Owner	(REGISTRANT) Hansen Beverage Company CORPORATION DELAWARE 550 Monica Circle

Suite 201 Corona CALIFORNIA 92880

(LAST LISTED OWNER) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1
Monster Way Corona CALIFORNIA 92879

**Assignment
Recorded**

ASSIGNMENT RECORDED

**Attorney of
Record**

Diane M. Reed

**Prior
Registrations**

2903214;3134841

**Description of
Mark**

Color is not claimed as a feature of the mark. The mark consists of the letter "m" in the form of a claw.

Type of Mark

TRADEMARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR).

**Live/Dead
Indicator**

LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [SEARCH OG](#) [Top](#) [HELP](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

				United States Patent and Trademark Office							
Home Site Index Search Guides Contacts eBusiness eBiz alerts News Help											
Assignments on the Web > <u>Trademark Query</u>											
Trademark Assignment Abstract of Title											
Total Assignments: 1											
Serial #: 77274662		Filing Dt: 09/07/2007		Reg #: 3434822		Reg. Dt: 05/27/2008					
Registrant: Hansen Beverage Company											
Mark: M											
Assignment: 1											
Reel/ Frame: 4699/0063		Recorded: 01/13/2012		Pages: 10							
Conveyance: CHANGE OF NAME											
Assignor: HANSEN BEVERAGE COMPANY				Exec Dt: 01/05/2012							
				Entity Type: CORPORATION							
				Citizenship: DELAWARE							
				Entity Type: CORPORATION							
				Citizenship: DELAWARE							
Assignee: MONSTER ENERGY COMPANY											
550 MONICA CIRCLE, SUITE 201											
CORONA, CALIFORNIA 92880											
Correspondent: DIANE M. REED											
2040 MAIN STREET, 14TH FLOOR											
IRVINE, CA 92614											
<p style="text-align: right;">Search Results as of: 07/09/2014 12:26 AM</p> <p>If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.4 Web interface last modified: Mar 15, 2014 v.2.4</p>											
HOME INDEX SEARCH eBUSINESS CONTACT US PRIVACY STATEMENT											

United States of America

United States Patent and Trademark Office



Reg. No. 3,434,822

Registered May 27, 2008

Amended Sep. 18, 2012

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE
STE. 201
CORONA, CA 92880

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, ENERGY DRINKS, EXCLUDING PERISHABLE BEVERAGE PRODUCTS THAT CONTAIN FRUIT JUICE OR SOY, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-27-2002; IN COMMERCE 4-18-2002.

OWNER OF U.S. REG. NOS. 2,903,214 AND 3,134,841.

THE MARK CONSISTS OF THE LETTER "M" IN THE FORM OF A CLAW.

SER. NO. 77-274,662, FILED 9-7-2007.



David S. Kybas

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

TTAB Opposition No. _____
Monster Energy Company v. Three Notch'd Brewing Company, LLC

EXHIBIT 4



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Jul 8 03:10:50 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browser Dict](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TSDR](#) [ASSIGNMENTS](#) [FILING STATUS](#) (Use the "Back" button of the Internet Browser to return to TESS)



MONSTER
ENERGY

Word Mark	M MONSTER ENERGY
Goods and Services	IC 032. US 045 046 048. G & S: Beverages, namely, carbonated soft drinks, carbonated soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, carbonated [and non-carbonated] energy and sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, [and aerated water, soda water and seltzer water,] but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not. FIRST USE: 20020327. FIRST USE IN COMMERCE: 20020418
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	78246567
Filing Date	May 7, 2003
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	June 6, 2006
Registration Number	3134841
Registration Date	August 29, 2006
Owner	(REGISTRANT) Hansen Beverage Company CORPORATION DELAWARE 550 Monica Circle Suite 201 Corona CALIFORNIA 92880 (LAST LISTED OWNER) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record Steven J. Nataupsky
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY" APART FROM THE MARK AS SHOWN
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [POWER DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



[Assignments on the Web](#) > [Trademark Query](#)

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78246567](#)

Filing Dt: 05/07/2003

Reg #: [3134841](#)

Reg. Dt: 08/29/2006

Registrant: Hansen Beverage Company

Mark: M MONSTER ENERGY

Assignment: 1

Reel/Frame: [4699/0063](#)

Recorded: 01/13/2012

Pages: 10

Conveyance: CHANGE OF NAME

Assignor: [HANSEN BEVERAGE COMPANY](#)

Exec Dt: 01/05/2012

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [MONSTER ENERGY COMPANY](#)

550 MONICA CIRCLE, SUITE 201
CORONA, CALIFORNIA 92880

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: DIANE M. REED
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

Search Results as of: 07/09/2014 12:27 AM
If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.4
Web interface last modified: Mar 15, 2014 v.2.4

[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 3,134,841

United States Patent and Trademark Office

Registered Aug. 29, 2006

**TRADEMARK
PRINCIPAL REGISTER**



HANSEN BEVERAGE COMPANY (DELAWARE
CORPORATION)
1010 RAILROAD STREET
CORONA, CA 92882

PRODUCTS THAT CONTAIN FRUIT JUICE OR
SOY, WHETHER SUCH PRODUCTS ARE PASTEUR-
IZED OR NOT, IN CLASS 32 (U.S. CLS. 45, 46 AND
48).

FOR: BEVERAGES, NAMELY, CARBONATED
SOFT DRINKS, CARBONATED SOFT DRINKS EN-
HANCED WITH VITAMINS, MINERALS, NUTRI-
ENTS, AMINO ACIDS AND/OR HERBS,
CARBONATED AND NON-CARBONATED ENER-
GY AND SPORTS DRINKS, FRUIT JUICE DRINKS
HAVING A JUICE CONTENT OF 50% OR LESS BY
VOLUME THAT ARE SHELF STABLE, AND AERA-
TED WATER, SODA WATER AND SELTZER WA-
TER, BUT EXCLUDING PERISHABLE BEVERAGE

FIRST USE 3-27-2002; IN COMMERCE 4-18-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "ENERGY", APART FROM THE
MARK AS SHOWN.

SER. NO. 78-246,567, FILED 5-7-2003.

AMY HELLA, EXAMINING ATTORNEY